IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.11.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE S. TAMILVANAN

WRIT PETITION NO.43064 OF 2006
and MP.No.1 of 2006

N. Mani .. Petitioner

vs.

1.The Member Secretary
Chennai Metropolitan Development
Authority, 1 Gandhi Irwin Road
Egmore, Chennai 600 008.

2.The Commissioner
Chennai City Municipal Corporation
Ribbon Buildings
Chennai 600 003.

3.Kripa Durairaj
4.Raj Peter
5.Prabhakaran .. Respondents
6.

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus as stated therein.

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For petitioners : No appearance

For respondents : Mr. J. Ravindran for R.1
Mr. E.R.K. Moorthy for R.2
Mr. K. Raja Srinivasan for R.3 to R.5

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ORDER

(Order of the Court was made by P. Sathasivam,J.)

The petitioner has filed this writ petition to issue a writ of mandamus directing the first respondent - Member Secretary, Chennai Metropolitan Development Authority (in short "CMDA") to forthwith take effective action for demolition of building bearing No.36-A, Second Loop Street, Mandhavelipakkam, Chennai-28, which is belonging to respondents 3 to 5.

2. The learned counsel appearing for respondents 3 to 5 submitted that the building in question was constructed by respondents 3 to 5 prior to 28.02.1999, which is the cut-off date in respect of Scheme-I, as approved by the Division Bench of this Court in the case of Consumer Action Group vs. The State of Tamil Nadu (2006 (4) CTC 481). He also submitted that they made an application for regularisation in the year 1999. He also brought to our notice that on 27.01.2000, the Member Secretary, CMDA, issued a letter seeking regularisation charges. According to the learned counsel for respondents 3 to 5, since the amount fixed in the said letter is disproportionate to the alleged violations, they have filed an appeal.

3. Whatever may be, in view of the assertion of the learned counsel for respondents 3 to 5, that respondents 3 to 5 constructed the building prior to 28.02.1999 and also of the fact that CMDA has issued letter calling upon them to pay necessary charges for the same, in the light of the direction of the First Bench in the above cited reference, it is a case to be considered by the Monitoring Committee. Accordingly, direction is issued to the first respondent to refer the issue to the Monitoring Committee and it is for the said Committee to consider and dispose of the same after affording opportunity to all the parties concerned.

The writ petition is disposed of accordingly. No costs. Consequently, connected MP., is closed.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1.The Member Secretary
Chennai Metropolitan Development
Authority, 1 Gandhi Irwin Road
Egmore, Chennai 600 008.

2.The Commissioner
Chennai City Municipal Corporation
Ribbon Buildings
Chennai 600 003.

1 cc To Mr.J.Ravindran, Advocate, SR.58977.
1 cc To Mr.K.Raja Srinivas, Advocate, SR.58099.
1 cc To Mr.E.R.K.Moorthy, Advocate, SR.58452.

W.P.No.43064 of 2006

MDR(CO)
RVL 12.12.2006

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